

Dear Stakeholder

ACT Retail Electricity (Transparency and Comparability) Code Guideline — consultation

On 2 July 2021 the commission published a new ACT Retail Electricity (Transparency and Comparability) Code. The ACT Code comes into effect on **1 October 2021**.

In our final report, we undertook to provide NERL retailers with a guideline to help them understand and comply with their obligations under the ACT Code.¹ Before finalising the guideline, we are seeking comments and feedback from NERL retailers and other stakeholders.

This consultation draft guideline provides guidance on:

- the application of the retailer obligations and the clear advice entitlement in the ACT Code to retail electricity offers and communications with small customers
- how to calculate the unconditional price of an offer and conditional discounts and how to communicate offer price details relative to the reference price, consistent with the obligations set by the ACT Code
- how to undertake better offer checks and give better offer messages to customers, including during the transitional period set by the ACT Code
- the minimum standards retailers should apply to meet the clear advice entitlement in communicating with small customers who contact them for advice and assistance to choose a suitable electricity offer.

Using hyperlinks in the better offer message

As noted in our final report, a stakeholder raised a concern that some retailers may be unable to embed working hyperlinks into a customer's actual bill for the better offer message, where bills are sent electronically. As an alternative, another stakeholder submitted that the same message be placed on all customers' bills to prompt customers to contact their retailer and visit its website. In consideration of this, we removed the hyperlink requirement from the Code. In our final report we said we would consider the matter further when drafting the guideline.

We remain of the view that customers would benefit from being able to click on the relevant link to be taken to the appropriate website and using a hyperlink is standard means of accomplishing this. We suggest that if the price comparator website information can be included as a hyperlink, then it should be included in that way. If a hyperlink is not possible, the web address www.energymadeeasy.gov.au must be included.

We invite suggestions for feasible, cost-effective ways to make it easy for customers to be taken to the appropriate website.

¹ A copy of the final report is available on the ICRC website at www.icrc.act.gov.au/energy/act-retail-electricity-transparency-and-comparability-code

Application of the guideline to embedded networks

In response to requests from NERL retailers, the guideline provides clarification on the application of the Code to embedded networks. In summary, we have decided that the better offer notification will not apply to NERL retailers' embedded network customers, but the reference price obligation and clear advice entitlement will apply. The guideline gives more details.

The NERL retailer determination (discussed below) will set out the application of the Code to NERL retailers.

NERL retailer determination

Under section 56A of the *Utilities Act 2000*, the commission may determine that an industry code applies to a NERL retailer if the commission is satisfied on reasonable grounds that it is appropriate for the code to apply to the retailer. The determination is a disallowable instrument.

After considering comments and feedback on the consultation draft guideline, the commission will finalise the guideline. At the same time, the commission intends to make a determination under section 56A of the Utilities Act that the ACT Code applies to NERL retailers, subject to the exclusion for embedded networks set out in the guideline.

We invite you to give us your views and comments on the contents and clarity of the guideline until **5pm Friday 6 August 2021**.

Please contact Ryan Ostopowicz at Ryan.Ostopowicz@act.gov.au if you have any questions.

Yours sincerely,

Dr Annette Weier
Chief Executive Officer

26 July 2021